

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

**LEROY ANTONIO WILSON**

**Plaintiff,**

**v.**

**KEVIN MCGEE, ET AL.,**

**Defendants.**

**CIVIL ACTION NO. 02-CV-3539**

**ORDER**

**AND NOW**, this 9th day of September 2003, upon consideration of Defendants' Motion to Dismiss and in the alternative Defendants' Motion for Summary Judgment (Doc. 11) and Plaintiff's Response thereto (Doc. 14), **IT IS HEREBY ORDERED** and **DECREED** that Defendants' Motions are **GRANTED IN PART** and **DENIED IN PART**.

**IT IS FURTHER ORDERED** that:

1. Defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**.

The Court will grant Defendants' Motion to Dismiss and dismiss the entire complaint against Defendants, Hamel, Frey, and Eustis. The Court finds that Plaintiff has sufficiently stated a claim against Defendant McGee.

2. Defendant McGee's Motion for Summary Judgment is **GRANTED**. Judgment is entered in favor of Defendant McGee and against Plaintiff.

**BY THE COURT:**

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**Hon. Petrese B. Tucker, U.S.D.J.**